

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DALE P. FIELD,
d/b/a Pro Moves,

Pro Se Plaintiff,

v. // CIVIL ACTION NO. 1:14CV154
(Judge Keeley)

EMOVE, d/b/a Movinghelper.com,
UHAUL,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 16]

The pro se plaintiff, Dale P. Field ("Field"), doing business as Pro Moves, is currently in state custody at the Tygart Valley Regional Jail. On September 12, 2014, he filed a complaint against the defendants for breach of contract,¹ and subsequently filed an application to proceed without prepayment of fees. (Dkt. No. 9). The Honorable John S. Kaull, United States Magistrate Judge, denied Field's application, and Field filed a motion to reconsider. (Dkt. No. 12). Judge Kaull held the motion to reconsider in abeyance in order to receive documentation regarding Field's prisoner trust fund account in accordance with 28 U.S.C. § 1915.

Following Judge Kaull's order holding the motion to reconsider in abeyance, Field filed a motion to dismiss his complaint without prejudice so that he could "acquire the fees needed to proceed with

¹ The defendants have not been served.

ORDER ADOPTING REPORT AND RECOMMENDATION

this action and then re-file the action at such time." (Dkt. No. 15). Subsequently, Judge Kaul entered a report and recommendation ("R&R"), recommending that this Court grant Field's motion to dismiss his complaint without prejudice, and deny as moot his motion to reconsider. (Dkt. No. 16). Field does not object.

Having reviewed the R&R, and finding no clear error, the Court **ADOPTS** the R&R, **GRANTS** Field's motion to dismiss his complaint, **DISMISSES** the complaint **WITHOUT PREJUDICE**, **DENIES AS MOOT** Field's motion to reconsider, and **DIRECTS** the Clerk to remove this case from the active docket.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to the pro se plaintiff, certified mail, return receipt requested.

DATED: May 11, 2015.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE